



CITY OF OSAWATOMIE
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23462.0

July 26 2013

Ms Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

AUG 1 2013

Part of
Public Record



Re: STB Docket No AB-33 (Sub-No 313X)
Union Pacific Railroad Company—Abandonment Exemption—in Miami County, Kansas
Osawatomie Industrial Lead

Dear Ms Brown

This request is filed on behalf of the City of Osawatomie which is a Kansas municipal corporation and is hereinafter referred to as 'Proponent'. It is the Proponent's understanding that no fee is required as this request is by a public agency and for public use.

A. Request

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 335.0 and 335.5, near Osawatomie in Miami County, Kansas, for a total distance of 0.50 miles

Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking and the railroad has indicated it is willing to railbank the corridor. Therefore, Proponent makes the following request.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Osawatomie is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company

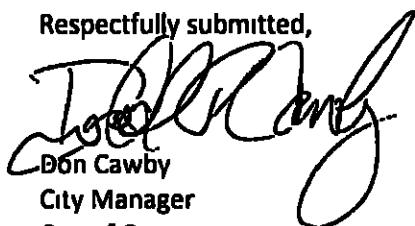
The property, known as the Osawatomie Industrial Lead extends from railroad milepost 335.0 near Osawatomie to railroad milepost 335.5 near Osawatomie a distance of 0.50 miles in Miami County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No 313X).

A map depicting the right-of-way is attached.

The City of Osawatomie acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Union Pacific Railroad Company, Law Department, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606-1718 by U S Mail, postage prepaid, first class, on July 26, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Don Cawby", written over the printed name and title.

**Don Cawby
City Manager
City of Osawatomie**

EXHIBIT 1

